

Severity of Formal Sanctions as a Deterrent to Deviant Behavior

RICHARD G. SALEM – *Ohio State University*

WILLIAM J. BOWERS – *Northeastern University*

The imposition of penalties for violation of criminal laws has been traditionally justified for such reasons as social justice and retribution. Today, perhaps the main justification for imposing severe penalties on those who violate the law is that such punishments serve as a specific deterrent to future violations by the offender and as a general deterrent to violations by others who might be tempted to follow his lead.

The extent of this deterrent force and the way in which it operates are, however, largely a matter of conjecture. One explanation relies on a rationalistic conception of human behavior. The individual is seen primarily as one who optimizes resources in the pursuit of his goals. The more costly a particular form of behavior becomes for him, the less likely he is to engage in it (Homans, 1961). Imposing severe sanctions for deviant behavior, it is anticipated, will make the potential offender realize that “crime does not pay.” In Bentham’s words, “The value of the punishment must not be less in any case than what is sufficient to outweigh that of the profit of the offense” (Pincoffs, 1966: 78).¹

Yet, this perspective leaves out a significant dimension—the importance of sanctions for normative stability. Durkheim formulated this argument clearly by stressing that the deterrent effect of formal sanctions occurs, not so much by means of the direct impact they may have on potential offenders, but more through their indirect effect in strengthening and buttressing social norms. Thus he asserts (1964: 108) that punishment:

does not serve, or else serves quite secondarily, in correcting the culpable or in intimidating possible followers. From this point of view, its efficacy is justly doubtful, and, in any case, mediocre. Its true function is to maintain social cohesion intact, while maintaining all its vitality in the common conscience.

Hence formal punishment acts to affirm the rule which has been transgressed and to restore the unanimity of the collective sentiment. For Durkheim, then, the effect of formal sanctions in deterring deviant behavior occurs only secondarily by way of the individual's "calculus of utilities." The sanctions' primary effect is through their capacity to strengthen the normative climate of the community—to reinforce and mobilize informal social disapproval (Coser, 1967; Toby, 1964).

Durkheim's contention that the imposition of sanctions validates the conformist's behavior and reclarifies the norm for the general community is reflected in Cohen's (1966: 4-5) observation that "the most destructive impact of deviance on organization is probably through its impact on trust, on confidence that others will, by and large, play by the rules." Here again deviance must be pointed up and defined as inappropriate in order to assure the community that the "old rules" are still in effect. We see, then, that formal reaction to deviance can be conceived of as acting directly as a deterrent, or as acting indirectly in the reaffirmation of rules.

While it is generally assumed, as in both the above arguments, that formal sanctions have some kind of deterrent effect on deviant behavior, there is little systematic evidence on the nature or extent of such an effect. We know from small-group studies that an individual's attitudes and especially his behavior can be modified by the prospect of informal social sanctions (positive as well as negative). However formal sanctions as part of the legal structure of the society or community are another matter. They are more remote and often irrelevant to the large bulk of the population. Seldom do they figure in the activity of most people.

Moreover, available research—largely studies of capital punishment—seriously questions the deterrent effect of formal sanctions. Thus Sellin (1966), in examining the effect of the death penalty on homicide rates, presents data which show, for example, that during 1917-1918, when the death penalty was abolished in Arizona, the number of people convicted of murder was no different from previous and subsequent periods when the death penalty was in effect.² Schuessler (1969), in comparing contiguous abolition and death penalty states over a period of approximately thirty years, demonstrates the similarity of homicide rates. In fact the rates for abolition states are sometimes lower than those for death penalty states, and certainty of execution does not lower the homicide rates among the 41 death penalty states. He concludes that "statistical findings and case studies converge to disprove the claim that the death penalty has any special deterrent value" (Schuessler, 1969: 388).

This research, however, is limited to a rare crime of passion and perhaps the most severe punishment of all. But what about less serious crimes and less

extreme punishments? Gibbs (1968) has recently tried to assess the effects of durations of imprisonment, rather than the death penalty, on homicide rates. He concludes (1968: 525) that

even though the relation between severity and the criminal homicide rate is obviously not a close one by any standard, the evidence of an additive effect [with certainty of sanctions] cautions against entirely rejecting the possibility in some way operates as a deterrent.

A reexamination of his data, however, shows that Gibbs' claim that there is an independent relationship between severity of sanctions and homicide rate appears unfounded (see Bowers 1970).

In a more comprehensive attempt to isolate the separate effects of severity and certainty of formal sanctions, Tittle (1969: 417) examines rates of homicide, robbery, burglary, larceny, assault, auto theft, and sex offenses. He concludes that the

examination of the relationship between severity and offense rate at constant levels of certainty reveals that severity of punishment has little consistent independent or additive effect.

Tittle's findings on the deterrent effects of certainty of penal sanctions have been challenged, but there is no indication that his findings on severity of sanctions—that it “has little consistent independent or additive effect”—must be qualified (see Chiricos and Waldo, 1970).

Chambliss (1969) cites evidence that certain less serious forms of deviance are definitely responsive to formal sanctions. In particular he cites parking meter violations and shoplifting (by nonprofessional thieves) as examples of behaviors which are reduced by increasing the severity of formal sanctions. The research he cites, however, unlike that of Gibbs and Tittle, makes no effort to separate the effects of severity and certainty of sanctions. On the basis of this limited evidence, then, it would seem that deviant behavior is relatively unresponsive to direct formal sanctions, and that when such effects do occur, they are highly contingent upon the type of behavior considered, the conditions under which it occurs, and the nature of the individuals involved (Ball, 1955: 348-351).

Perhaps the main reason for the limited amount of research on the deterrent effects of formal sanctions lies in the methodological difficulties of isolating such effects. In particular it is difficult to find a sample of societies, communities, or institutions sufficiently alike in other respects that differences in their rates of deviant behavior can be attributed to differences in formal sanctions and not to other factors.

For the purposes of this work, college communities will be examined to determine whether: (1) formal sanctions have a *direct* deterrent effect on deviant behavior, and (2) they have an *indirect* deterrent effect through their

ability to stimulate and reinforce informal social norms. To evaluate the influence of these formal and informal mechanisms we will be using data on: (1) the rates of specific forms of deviant behavior; (2) the extent to which these actions are disapproved; and (3) the usual legal or institutional sanctions imposed for these forms of misbehavior in a number of different social contexts. These data have been obtained by Bowers (1964) in a nationwide study of academic dishonesty among college students.

The Data

Information on formal sanctions: During the school year 1961-1962 a survey was made of deans and student body presidents from all regionally accredited, four-year, degree-granting colleges and universities, asking for information on the usual reactions of their institution to various forms of student misconduct. Deans and student body presidents from 838 colleges and universities responded.

Information on deviant behavior and normative climate: During the 1962-1963 academic year 100 of these institutions were selected for more intensive study. At each of these schools, questionnaires were sent to a sample of 75 to 100 students who were drawn randomly from institutional directories or records of the registrars. Sixty percent of the sample returned completed questionnaires; 91 schools were represented by at least 40 students. One school had to be dropped because of difficulties in reaching the students, leaving a total sample of 5,422 students from 99 colleges and universities. (For further details of the sampling procedure see Bowers, 1964: app. c.)

The students in this survey were asked to indicate their attitudes toward and involvement in various forms of campus behavior. Five of the actions about which students report their attitudes and behavior in the 1962 survey correspond quite closely to offenses for which deans and student body presidents indicated the usual formal sanctions at their institutions a year earlier. Thus the merging of data from these two surveys permits us to examine the interrelationships among formal sanctions, normative climate and rate of violation for each of the five forms of behavior at 99 colleges and universities. (See Bowers and Salem, 1970, for a discussion, based on the same data, of variations in rates of misconduct and institutional sanctioning policies by type of institution.)

Formal Sanctions and Deviant Behavior

In this section we shall examine the extent to which formal sanctions for a given offense affect its prevalence; the next section will investigate how this effect occurs—whether, as Bentham would argue, by making the action more costly to engage in or, as Durkheim holds, by strengthening the force of informal normative constraints.

If formal sanctions have a deterrent effect on behavior, we must find that the rates of the various offenses decline as the penalties for them become increasingly severe. Table 1 shows the relationship between formal sanctions and rates of involvement in five different forms of deviant behavior. For purposes of comparison, the column to the right shows the percentage difference per interval as a rough index of the effect of formal sanctions on behavior.³

Generally speaking, this table shows that deviance decreases as the sanctions become stronger. There is, however, substantial variation in the *extent* of the

TABLE 1
MEAN PERCENTAGE ENGAGING IN FIVE DEVIANT ACTIONS
BY FORMAL SANCTION^a

Offense	Sanctions Imposed for Drinking and Library Offenses						Percentage Difference per Interval
	Dismissal %	(n)	Suspension %	(n)	Restriction of Privileges %	(n)	
Violating alcohol-use rules	19	(15)	35	(35)	39	(35)	-7.6
Getting drunk ^b	25	(17)	35	(44)	41	(30)	-7.4
Stealing library books	15	(13)	13	(39)	21	(31)	-5.0
Marking up library books	—	(0)	28	(7)	24	(70)	+4.0
	Sanctions Imposed for Cheating ^c						Percentage Difference per Interval
	Suspend or Expel	(n)	Fail Course	(n)	Fail Specific Piece of Work or Less	(n)	
Cheating index ^d	38	(19)	52	(43)	56	(30)	-7.9

a. The mean percentage in each cell is computed by averaging the rates for all schools in that cell. The numbers in parentheses represent schools rather than students. The number of respondents for any cell will be approximately 55 times the number of schools in that cell. The danger here is not that the number of respondents will be too small to yield reliable percentages, but rather that the number of schools from which they come will be too few to adequately represent institutions with a particular sanctioning policy. Where the dean and student body president disagreed about the sanction usually imposed at their school, the report of the dean was used. When both responded, the dean and student body president usually agreed.

b. Penalty imposed, according to dean's reports, is for "being drunk and disorderly"; offense reported by students is simply "getting drunk."

c. Items referring to cheating on a midterm exam, a final exam, and plagiarism on a term paper were combined to produce a cheating sanctions index which is used to represent this form of behavior.

d. Students are classified as cheaters by this index if they have "used crib notes during an exam," "copied from another student during an exam," "plagiarized on a term paper," or "turned in work done entirely or in part by another student." (See Bowers, 1964: ch. 3 for further details.)

deterrent effects of formal sanctions by type of offense. A relatively strong effect is to be found among the offenses involving the use of alcohol. These two items show a seven- to eight-point percentage difference per interval. A weaker effect occurs among the items referring to property offenses in the library. In the case of marking up library books there is actually a slight reversal; misconduct is a little more prevalent where the punishments are more severe. (It should be noted, however, that formal sanctions for this offense are not very severe at most schools. The effect we do find is dependent upon a small minority of only seven schools which may depart in other relevant ways from the rest.) Finally, cheating is affected to about the same degree as the alcohol-related offenses (although, of course, the sanctioning categories differ).

There is also variation in the *pattern* of effects of formal sanctions by type of misconduct. Hence for the two drinking violations the most pronounced deterrent effect occurs only when the maximum formal sanction—dismissal from school—is usually imposed. For stealing books from the library, however, dismissal and suspension show approximately the same ability to deter the deviance. Similarly, in the case of cheating, the difference in rates of misconduct comes largely between dismissal and suspension on the one hand and the lesser sanctions on the other.

Clearly, then, the effects of formal sanctions are uniform neither in extent nor pattern. They are, however, evident at least to some degree in four of the five cases at hand, suggesting that formal sanctions have a modest deterrent effect on the incidence of deviant behavior. Next, the normative climate will be examined as a mechanism through which formal sanctions may have their effect.

The Role of the Normative Context

In a recent study using these data, Bowers (1968) has shown a strong negative relationship between the climate of disapproval of a given action at a college and the incidence of that action. The study indicates that the climate of disapproval has a deterrent effect on behavior in two distinct ways: through “the effect of the individual’s own sense of disapproval, and the effect of the normative feelings of others in his social context” (Bowers, 1968: 383). The measure of the normative context we are using for this analysis thus combines both of these effects.

Following Durkheim, we would expect to find a relationship between formal sanctions and the strength of normative sentiments toward a particular form of behavior. Table 2 shows this relationship for the five offenses under consideration. As in Table 1, strong effects are found for drinking-related behavior. In fact, formal sanctions show an even stronger relationship with disapproval (Table 2) than with behavior (Table 1). For library offenses, the relationship between formal sanctions and disapproval is again relatively weak. In the case of marking up library books, there is no relationship whatsoever. (Consequently the slight

negative effect of formal sanctions in Table 1 cannot be attributed to differences in normative climate. This suggests that severe formal sanctions for this action provoke a slightly greater incidence of it.)

Perhaps the greatest surprise in Table 2 occurs with the cheating offenses. Whereas Table 1 showed a modest deterrent effect of formal sanctions, Table 2 shows essentially no association between formal sanctions and disapproval. Apparently students' attitudes are relatively insensitive to the formal sanctions imposed for cheating, although their behavior is not. Obviously the normative climate, at least as represented by students' reported feelings of disapproval, does not account for the apparent deterrent effect of formal sanctions in the case of cheating behavior.

With the exception of cheating, the *pattern* of effects in Table 2 is also very similar to that in Table 1. For the two alcohol-related offenses, the largest effects come between dismissal and all other sanctions; and for stealing library books, the effect appears primarily between dismissal and suspension on the one hand and lesser penalties on the other.

Thus we find that both the extent and the pattern of variations in disapproval (Table 2) are quite comparable to their variation in behavior (Table 1) for most

TABLE 2
MEAN PERCENTAGE STRONGLY DISAPPROVING^a OF
FIVE DEVIANT ACTIONS BY FORMAL SANCTION

Offense	Sanctions Imposed for Drinking and Library Offenses						Percentage Difference per Interval
	Dismissal		Suspension		Restriction of Privileges		
	%	(n)	%	(n)	%	(n)	
Violating alcohol-use rules	62	(15)	41	(35)	35	(35)	+10.5
Getting drunk	62	(17)	48	(44)	39	(30)	+10.8
Stealing library books	64	(13)	67	(39)	58	(31)	+ 5.5
Marking up library books	—	(0)	56	(7)	56	(70)	0.0
Cheating index	Sanctions Imposed for Cheating						Percentage Difference per Interval
	Suspend or Expel		Fail Course		Fail Specific Piece of Work or Less		
	%	(n)	%	(n)	%	(n)	
Cheating index	38	(19)	35	(43)	39	(30)	- 1.3

a. Single items were used to measure personal disapproval for the drinking and library offenses. In the case of cheating, students were classified on the basis of their strong agreement with four items: under no circumstances is cheating justified; students are morally obligated not to cheat; the individual's personal integrity and self-respect should be the basis for the decision not to cheat; and cheating directly contradicts the goals of education. (See Bowers, 1964: ch. 5, for further details.)

of these actions. And, since there is a strong negative association between the normative climate and the incidence of deviant behavior (Bowers, 1968), the deterrent effects of formal sanctions in Table 1 may occur largely through their association with the normative climate.

Formal Sanctions, the Normative Context, and Deviant Behavior

Table 3 shows the relationship between formal sanctions and misconduct, controlling for the normative context. Beginning with the drinking-related items, we find that the control for normative context removes virtually all of the effect of formal sanctions on behavior. For both getting drunk and violating alcohol-use rules, the per interval effects within the five disapproval contexts are very small; overall or average effect is less than one percent per interval in both cases.⁴

For stealing books from the library, the results are similar. The relationship between formal sanctions and behavior is reduced except in the lowest disapproval context. And only a few schools are responsible for the deterrent effect in this category. (In fact, it would take a modest increase in the rate of library theft at only one of these schools to virtually eliminate the deterrent effect.) For marking up library books, the positive effect shown in Table 1 reappears—again based on a very small minority of the colleges under investigation.

In the case of cheating, the results are quite unlike those for the other four offenses. Although the overall deterrent effect of formal sanctions is reduced slightly from -7.9 to -6.7% per interval, this remaining effect is considerably greater than that shown for any of the other violations. Apparently academic dishonesty, unlike the other behaviors, is directly responsive to the imposition of formal sanctions. Perhaps this is because cheating is the most instrumental and rationally motivated form of deviance under consideration. Chambliss (1969: 368-372) argues that instrumental deviance is significantly more susceptible to the impact of sanctions than deviance of a more expressive nature, e.g., violations involving the use of alcohol.

Yet the effect of formal sanctions on cheating behavior varies by college context. There is generally an increase in their deterrent effect as the context of disapproval becomes stronger. Apparently the weight of severe sanctions is more clearly brought home to potential offenders where informal disapproval is more intense. We know from previous research (Bowers, 1964: ch. 10) that disapproval levels are generally higher at schools that employ the academic honor system. It could be that in these more disapproving contexts the honor system, which often requires students to report their peers for cheating, makes more salient the formal sanctions which may remain relatively remote under other systems of control.

TABLE 3
MEAN PERCENTAGE ENGAGING IN FIVE DEVIANT ACTIONS BY
FORMAL SANCTIONS AND NORMATIVE CLIMATE OF COLLEGE

Type of Deviant Action	Percentage on Campus Strongly Disapproving	Sanctions Imposed for Drinking and Library Offenses						Percentage Difference per Interval
		Dismissal		Suspension		Lesser Penalty		
		%	(n)	%	(n)	%	(n)	
Violating alcohol-use rules	1-20	—	(0)	56	(7)	57	(12)	- 1.0
	21-40	45	(2)	43	(9)	42	(9)	+ 1.2
	41-60	24	(6)	29	(13)	28	(11)	- 1.1
	61-80	9	(4)	15	(5)	8	(1)	- 3.4
	81-100	6	(3)	5	(1)	2	(2)	+ 1.8
		Average Percentage Difference						- 0.5
Getting drunk	1-20	—	(0)	65	(7)	64	(7)	+ 1.0
	21-40	61	(2)	49	(7)	47	(8)	+ 4.0
	41-60	32	(6)	30	(18)	33	(11)	- 1.2
	61-80	14	(7)	17	(10)	19	(2)	- 2.8
	81-100	5	(2)	7	(2)	7	(2)	- 1.0
		Average Percentage Difference						- 0.1
Stealing library books	21-40	23	(1)	—	(0)	40	(3)	- 8.5
	41-60	18	(5)	22	(11)	27	(14)	- 4.7
	61-80	12	(6)	10	(23)	12	(14)	- 0.8
	81-100	11	(1)	7	(5)	—	(0)	+ 4.0
		Average Percentage Difference						- 3.1
Marking up library books	21-40	—	(0)	43	(1)	48	(5)	- 5.0
	41-60	—	(0)	29	(3)	26	(41)	+ 3.0
	61-80	—	(0)	21	(3)	16	(24)	+ 5.0
		Average Percentage Difference						+ 3.1
		Sanctions Imposed for Cheating						
		Suspend or Expel		Fail Course		Fail Specific Piece of Work or Less		Percentage Difference per Interval
		%	(n)	%	(n)	%	(n)	
Cheating index	1-20	—	(0)	71	(3)	62	(3)	+ 9.0
	21-40	46	(13)	56	(26)	59	(17)	- 6.0
	41-60	25	(5)	40	(13)	50	(8)	-11.9
	61-80	11	(1)	49	(1)	39	(2)	- 6.0
		Average Percentage Difference						- 6.7

The Academic Honor System and Peer Disapproval

Information is available on whether the schools in our sample operate under the honor system, thus permitting us to determine if the effectiveness of formal

sanctions for cheating is somehow enhanced by this system of social control. Table 4 shows the relationship between formal sanctions and cheating, controlling for normative context and whether or not the college has an honor system.

Several things are evident from the table. First, as we noted above, the level of personal disapproval of cheating is generally higher at the honor system schools. Second, the honor system schools more regularly administer severe sanctions for academic dishonesty. Third, rates of cheating are generally lower at the honor system schools even when their counterparts without honor systems are comparable in normative climate and severity of sanctions.

More important for the purposes of this analysis is the fact that the direct deterrent effect of formal sanctions seems to be concentrated at the honor system schools. The average per interval effect of formal sanctions at the honor system schools is higher than the value for all schools (shown in Table 3), while at the schools without honor systems this effect is considerably reduced. Apparently the honor system does make formal sanctions more relevant to the potential offender. Clearly, personal disapproval does not absorb the effects of formal sanctions as it does for other forms of misconduct.

Peer attitudes of disapproval may be of greater importance than personal sentiments in the honor system context. Under most honor systems the individual is responsible not only for his own behavior but also for the conduct of his peers. Thus the peer group is a prominent source of informal social sanctions under this system.

TABLE 4
MEAN PERCENTAGE CHEATING BY FORMAL SANCTIONS,
NORMATIVE CLIMATE, AND CONTROL SYSTEM OF COLLEGE

	Percentage Strongly Disapproving	Honor System						Percentage Difference per Interval
		Suspend or Expel		Fail Course		Fail Specific Piece of Work or Less		
		%	(n)	%	(n)	%	(n)	
Cheating index	21-40	34	(5)	28	(3)	47	(5)	- 6.6
	41-60	24	(4)	33	(7)	52	(1)	-11.0
	61-80	11	(1)	-	(0)	39	(2)	-14.0
	Average Percentage Difference							- 9.0
		No Honor System						
Cheating index	1-20	-	(0)	71	(3)	62	(3)	+ 9.0
	21-40	53	(8)	60	(23)	65	(12)	- 5.8
	41-60	27	(1)	49	(6)	49	(7)	- 2.8
	61-80	-	(0)	49	(1)	-	(0)	-
Average Percentage Difference							- 3.6	

Fortunately the data include the respondent's perceptions of the disapproval of his peers. Table 5 allows us to compare levels of personal and peer disapproval at schools with and without honor systems.

Both types of disapproval are, of course, stronger at the honor system schools. Their relative strength is reversed, however, in the two contexts. At the large majority of institutions, those without honor systems, strong personal disapproval is more often reported than is strong peer disapproval. At the honor system schools, on the other hand, more students perceive strong disapproval among their peers than say they personally feel a strong sense of disapproval of cheating.

In effect, at the honor system schools the perceived climate of peer disapproval is quite strong relative to the level of personal disapproval that prevails. Personal attitudes seem to have become *social reality* under the honor system so that students are aware of and sensitive to the disapproval of their peers. It seems quite plausible, then, that this heightened sense of peer disapproval is what conveys the deterrent forces of formal sanctions under the honor system.

Table 6 shows the relationship between formal sanctions and cheating, controlling for the climate of peer disapproval and the system of control at the college. As in Table 4, the direct deterrent effects of formal sanctions continue to be clearly evident at honor system schools, contrary to our expectation that peer disapproval might account for this effect. On the other hand, peer disapproval produces a reduction in the deterrent effects of formal sanctions. The average per interval effects for both honor system and others are slightly lower in Table 6 than they were in Table 4.

Thus peer disapproval is generally more effective than personal disapproval in accounting for the relationship between formal sanctions and cheating behavior,⁵ yet neither peer disapproval nor personal disapproval accounts for the deterrent effects of formal sanctions against cheating at the honor system

TABLE 5
LEVEL OF PERSONAL AND PEER DISAPPROVAL BY
CONTROL SYSTEM OF THE COLLEGE

	Honor System	Other System
Mean percentage expressing strong personal disapproval	43%	33%
Mean percentage perceiving strong peer disapproval ^a	51%	28%
Number of schools	(28)	(64)

a. The measure of perceived peer disapproval is constructed from two items which ask the respondent how strongly "a close friend" and "the students you go around with" would disapprove if they learned that you had cheated. (See Bowers, 1964: ch. 8 for further details.)

TABLE 6
MEAN PERCENTAGE CHEATING BY FORMAL SANCTIONS,
PEER DISAPPROVAL, AND CONTROL SYSTEM OF COLLEGE

	Percentage Strongly Disapproving	Honor System						Percentage Difference per Interval
		Suspend or Expel		Fail Course		Fail Specific Piece of Work or Less		
		%	(n)	%	(n)	%	(n)	
Cheating index	1-20	48	(1)	—	(0)	—	(0)	—
	21-40	34	(2)	36	(2)	44	(2)	- 5.0
	41-60	29	(3)	33	(5)	47	(5)	-10.3
	61-80	19	(4)	25	(3)	40	(1)	- 7.8
		Average Percentage Difference						- 8.3
		No Honor System						
Cheating index	1-20	63	(3)	66	(13)	71	(7)	- 4.4
	21-40	57	(3)	58	(15)	57	(11)	+ 0.6
	41-60	31	(3)	40	(3)	44	(3)	- 6.5
	61-80	—	(0)	46	(2)	47	(1)	- 1.0
		Average Percentage Difference						- 2.5

schools as well as they do at schools without the honor system, or as well as personal disapproval does for drinking and library offenses at all schools.

Our assumption that peer disapproval would account for the deterrent effects of formal sanctions at honor system schools was clearly mistaken. If we examine our argument and the data more closely we may find out why. We argued that under the honor system, the student's peers become an important source of disapproval—that formal sanctions may activate peer disapproval which, in turn, discourages cheating. (To be sure, the slight reduction in deterrent effects in Table 6, as compared to Table 4, may very well reflect this fact.) Yet under the honor system, responsibility for the behavior of one's peers usually involves more than simply expressing disapproval informally to an offender. Most systems have a "reporting clause" that requires a student who has witnessed a cheating incident to report the offender to appropriate authorities, or to ask the offender to report himself and then to report him if he fails to do so. The honor system is thus designed to increase the likelihood that formal sanctions will be brought to bear. The student's peers are directly responsible for activating the formal sanctioning machinery. As a result, formal sanctions, which are often imposed by a student court, are far less remote from the would-be offender. And indeed we might expect them to be more salient to him as the proportion of his peers who are strongly committed to the system increases.

Table 6, in fact, supports this interpretation. Not only does it show a generally greater deterrent effect of formal sanctions at honor system schools for

a given level of peer disapproval, but it also shows an interaction effect between peer disapproval and formal sanctions at these schools. Thus the stronger the climate of peer disapproval, the greater the reduction in cheating behavior resulting from a given increase in formal sanctions.⁶ Although this pattern is based on a limited number of schools, it holds without exception. It strongly suggests that the reason for the direct deterrent effects of formal sanctions at honor system schools lies in the ability of these systems to bring formal sanctions into play, or at least to make students think they will come into play.⁷

Preselection versus Conversion Effects of Formal Sanctions

There is little support in our data for the rationalistic view that potential offenders are directly inhibited by the prospect of severe formal sanctions, as Bentham and the general utilitarian viewpoint would contend. Except for a minority of schools which seem to have a unique capacity for making formal sanctions relevant through the academic honor system, no direct deterrent effects vis-à-vis drinking, library, and cheating offenses remain after we control for the normative climate of the school. This is not to say that formal sanctions have no effect on behavior, but simply that by and large the effects they do have seem to occur largely through informal normative processes.

What, then, is the connection between formal sanctioning policy and the normative processes of the school? Perhaps the most straightforward assumption is that formal sanctions influence the attitudes of students *after* they reach the campus. It is quite possible, however, that the sanctioning policy of an institution affects the *kinds of students it attracts*. Thus since the use of alcohol is central to much of campus social life, and since potential students are attracted to colleges at least in part on the basis of the schools' social reputations, it is quite plausible that a punitive sanctioning policy in this area will attract students who disapprove and repel those who do not. Rules of conduct and sanctions imposed for library offenses, on the other hand, would seem to be less relevant as criteria in deciding what college to attend. And indeed, Table 2 showed that there is a stronger relationship between severity of sanctions and feelings of disapproval for the drinking-related items than for the library offenses. Do these relationships come about as a result of a selection process in which students gravitate toward schools where the sanctioning policies are compatible with their own predispositions? Or are they a result of a conversion process in which a change in attitude occurs after the students have made the decision to attend a particular school?

The answer is contained in Table 7. It shows how students with a particular level of drinking or cheating behavior in high school⁸ are distributed among colleges with varying sanctioning policies.

There is no evidence to speak of in Table 7 that students who are predisposed toward drinking or cheating choose to attend schools with more lenient policies

in these areas. Sanctioning policy of the college attended is virtually unrelated to the previous behavior of students. The relationship between formal sanctioning policies and personal feelings of disapproval with regard to drinking offenses therefore appears to be a function of normative changes which take place after students reach college, not of a selection process that occurs either before or during college.⁹

Yet the case of cheating casts doubt on the power of formal sanctions to produce a change in normative sentiments. The fact that formal sanctions in this area show no association either with students' predispositions before coming to college (Table 7) or with their attitudes in college (Table 2) seriously questions the possibility of any pervasive or consistent connection between formal sanctions and the normative climate that emerges. The suggestion is that some broader, more fundamental aspect of the institution determines the normative climate, and perhaps in some cases the formal sanctions as well. Indeed, the institution's sponsorship or type of control, or the particular forms of disciplinary administration in effect may strongly influence the normative climate. Obviously further research will be required to establish the links between formal sanctions and the normative climate, which seem to exist with respect to some offenses and not others.

Discussion and Conclusion

In view of our findings that the severity of formal sanctions has no direct deterrent effect on deviant behavior except under the special conditions of an academic honor system, it is time to seriously consider why this should be the case. There is little doubt that man is in part a rational animal who seeks to minimize his losses or potential losses in terms of power, prestige, popularity, and self-esteem (compare with Homans, 1961). How is it that sanctions which are essentially designed to deprive him of these things seem not to affect his behavior?

Certainly the foremost answer, one we have suggested above, is that formal sanctions are extremely remote to most people. There is evidence that most people, notably those who have had little contact with the law, are not aware of the prescribed legal sanctions for various criminal offenses (California State Legislature, 1968: 12 ff.). Formal sanctions for drinking, library, and cheating offenses are probably remote from most students at most colleges. Only a tiny fraction of those who violate in these areas ever come to the attention of authorities (Bowers, 1964: ch. 1). Even if students are aware of the appropriate sanctions in these areas, knowing many others who have violated without consequences will certainly contribute to the impressions that there is little risk of formal sanctions.

Studies which purport to demonstrate the deterrent effects of formal sanctions generally focus on offenses of relatively high certainty and low severity

TABLE 7
FORMAL SANCTIONS OF COLLEGE ATTENDED BY HIGH SCHOOL
DRINKING^a AND CHEATING BEHAVIOR

Formal Sanctions For:		Level of Behavior in High School		
		% Non- drinker	% Moderate Drinker	% Heavy Drinker
Violating alcohol-use rules	dismissal	19	19	16
	suspension	42	49	42
	restriction of privileges	39	32	42
	total	100	100	100
	number of students	(2284)	(320)	(1901)
Getting drunk	dismissal	18	17	16
	suspension	50	49	50
	restriction of privileges	32	34	34
	total	100	100	100
	number of students	(2425)	(346)	(2128)
		% Noncheater	% Cheater	
Cheating index	suspend or expel	24	21	
	fail course	45	49	
	fail specific piece of work or less	31	30	
	total	100	100	
	number of students	(2263)	(2554)	

a. Here the drinking of beer and/or liquor is considered. A moderate drinker has used one or the other at least once, while a heavy drinker has used both at least once in high school.

of formal sanctions, such as parking violations (Chambliss, 1966), speeding violations (Ross and Campbell, 1968), and violations of the income tax laws (Schwartz and Orleans, 1967; Schwartz, 1969). In these cases, detection is routine, and the sanction is a monetary one. The potential offender can assess the risk of detection from his own past experiences and the experience of others; he can evaluate the sanction in terms of financial loss. People will talk in calculative terms about the chances of getting caught and whether they can afford it.

There is no specific evidence in these studies, however, that *severity* of sanctions plays an important part. No attempt is made to examine the effects of severity *independently* of certainty. Moreover, those studies which do attempt to separate the effects of severity and certainty (Tittle, 1969; Gibbs, 1968), whatever their methodological shortcomings, indicate that certainty rather than

severity of legal sanctions is the primary deterrent factor. In fact, in Tittle's data, severity showed no consistent relationship to offense rates even under conditions of relatively high certainty. This latter point calls the simple, rationalistic formulation still further into question since, according to this logic, increasing certainty should add to the weight given severity of sanctions in the decision to act.

Perhaps there are "negative feedback processes" at work which tend to offset the expected deterrent effect of formal sanctions. Schwartz (1969) has recently provided evidence that the threat of formal sanctions generates what he calls "resistant side effects." While most people increased their compliance with income tax laws under threat of sanctions, a minority responded with substantially increased claims for deductions, as if they had been provoked to "beat the system."

More generally, severe formal sanctions or punitive threats may produce a certain degree of alienation, hostility, and rebelliousness, particularly when they do not reflect informal sentiments.¹⁰ Under these circumstances, violation can become a symbolic act, one predicated on a commitment to social justice or personal pride. When those who feel these reactions also share other social attributes, especially common group membership, noncompliance may even become a subcultural response. Thus the willingness to risk severe sanctions will be a sign of commitment to the subgroup and will elicit the respect of the other members—noncompliance, then, will be socially motivated and reinforced, at least within the subgroup. Thus, for example, Erikson (1966: esp. 114-126) writes of the Quakers of Puritan Massachusetts argues that, with increasing severity of punishment for their offenses, increasing numbers of violators appeared as if to invite legal sanctions.

There may be another closely related source of resistance to severe formal sanctions—the insulating effect of peers. We know from previous research on cheating (Bowers, 1964: 141) that students are much more willing to express their disapproval informally to an offender than to report a fellow student to the authorities for that offense. Moreover there is evidence that when the offender is a close friend, students will actually take steps to protect him from the authorities (see also Stouffer, 1949; Stouffer and Toby, 1951; Turner, 1959). This protective tendency among particularistic or primary group relations may grow even stronger as formal sanctions become more severe. While the motivation in this case may be the loyalty of personal friendship rather than the injustice of alien sanctions, the effect is the same—to neutralize or counteract severe formal sanctions.

In effect, the academic honor system is designed to remove or to offset these sources of resistance by making peers themselves the agents of formal control. Formal sanctions are imposed not by an outsider to insure conformity with his norms, but by insiders to enforce norms to which the members of the group subscribe. Under these conditions, formal sanctions may actually take on the meaning and functions that informal social sanctions possess in most groups.

Perhaps honor systems have been less effective in controlling excessive drinking, disorderly social conduct, and other more expressive forms of misconduct because such behavior is more closely tied in with the collegiate subculture. It will be difficult to extract a commitment within the peer group to report those who break the rules when the behavior is a group enterprise supported by subcultural values.

Chambliss (1969) has argued that instrumental actions which the offender adopts as a specific means to an end (e.g., cheating) are more subject to control through formal sanctions than are expressive actions in which an offender engages as part of a broader style of life to which he is committed (e.g., drinking violations). The data in Table 3 do tend to confirm this proposition; formal sanctions against cheating continue to show a deterrent effect after we control for the normative climate, whereas this effect totally vanishes in the case of drinking-related offenses. More specifically, the data suggest that the deterrent effects remain in the case of cheating because, and to the extent that, peers become the agents of formal control. Thus the deterrent effect is concentrated at honor system schools, particularly where a large proportion of peers are perceived to strongly disapprove of cheating. Presumably objective and subjective certainty of formal sanctions are the greatest under these circumstances.

In conclusion, then, we find little evidence of a direct deterrent effect of severe formal sanctions. More substantial is their role in anchoring and buttressing the normative climate. For most of the offenses under investigation, the level of formal sanctions appears to influence students' attitudes and thus to affect the normative climate that develops at a college. This "conversion effect" is not, however, uniform in pattern or extent. For drinking-related offenses it is strong and clear; for cheating offenses it is altogether absent.

Since we find only modest and irregular deterrent effects, either direct or indirect, it might be appropriate at this point to consider briefly some effects of severe sanctions apart from deterrence. The fact that the commonly assumed direct deterrent effects are largely a myth should focus our attention on those for whom the myth may serve some function. One possibility is that severe sanctions have important implications for those who impose them. As long as everyone believes in their deterrent effects, severe sanctions represent a powerful tool for authorities in meeting their responsibilities, and a sign to the broader community that they are taking those responsibilities seriously. Thus, when authorities are having difficulty catching offenders, they can impose more severe sanctions "to insure that violations will be curbed." Or when the rate of violations is increasing and pressure is mounting for more effective control, authorities can "crack down" with more severe sanctions. In both these cases, the imposition of severe sanctions is a visible sign of action in response to failure in the system of social control.¹¹

Research on the deterrent effects of formal sanctions is still at a relatively primitive stage. Different methods are being employed, including ecological

analysis, natural and controlled experimentation, and survey research. Yet most of the studies to date have not uncovered processes through which formal sanctions may be having effects. In fact, the balance of evidence thus far collected weighs against a deterrent effect directly attributable to the severity of formal sanctions. Only under exceptional conditions do they directly deter deviant behavior. The evidence concerning the deterrent effects of certainty of formal sanctions is only slightly more convincing. Needless to say, further work in separating and evaluating the relative effects of severity and certainty of formal sanctions is required. In view of the largely negative findings in the area of deterrence, at least in the research to this point, it would also seem advisable in future research to examine other possible functions of formal sanctions. These might include their role in stimulating and reinforcing the normative climate of the community—what we have here described as indirect deterrent effects—and their role as resources and signs of performance for those who impose them.

NOTES

1. Of course Bentham is only one of a group of legal philosophers and criminologists who developed theories of deviant behavior and social control upon the assumption that individuals who engage in deviant acts rationally respond to the administration of formal penalties. In summarizing the contribution of classical theory, Vold (1958: 23) indicates: "Puzzling questions about the reasons for or 'causes' of behavior, the uncertainties of motive and intent, the unequal consequences of an arbitrary rule, these were all deliberately ignored for the sake of administrative uniformity."

2. This assumes that the potential murderers of Arizona were aware of the changed situation in 1917-1918. Although the prospect of death as the punishment for their crimes did not seem to faze them, it could be argued that this two-year interlude was not long enough to produce a weakening in the normative climate and hence was not an adequate test of the indirect effects of formal sanctions.

3. The percentage difference per interval is a weighted average computed as follows:

$$\frac{(a-b)na \cdot nb + (b-c)nb \cdot nc}{na \cdot nb + nb \cdot nc} = \frac{(a-b)na + (b-c)nc}{na + nc}$$

where a, b, and c are the rates of a given form of deviant behavior under the most severe, the intermediate, and the most lenient sanctioning categories respectively, and where na, nb, and nc are the number of schools contributing to a, b, and c respectively. Where nb=0, we let $b = \frac{a+c}{2}$.

4. In addition to percentage difference per interval for each context of disapproval, the table also shows the average percentage difference for the several normative contexts of a given offense, as a rough index of the overall deterrent effect of formal sanctions after the effects of the normative context have been removed. The average percentage difference is computed as follows:

$$\frac{\sum_i [(a_i - b_i)na_i + (b_i - c_i)nc_i]}{\sum_i (na_i + nc_i)}$$

where the i 's represent control categories 1,2,3, . . . , n , on the independent variable. (For preliminary considerations, see note 3.)

5. It is, of course, quite possible that peer disapproval would have accounted for the deterrent effects of formal sanctions against drinking and library offenses; however measures of perceived peer disapproval were not available for these other forms of behavior.

6. This pattern is not reflected in the index of percentage difference per interval because the differences are weighted by the number of schools on which they are based. If we were to disregard the number of schools in our per interval measure, the differences would read: 5.0, 9.0, and 10.5 respectively for the 21-40, 41-60, and 61-80 disapproval contexts, showing that deterrent effects increase with increasing peer disapproval.

7. Further research reveals that students at honor system schools believe that fewer students cheat and that more of them get caught than do their counterparts at schools without such systems. Moreover, students under the honor system are more likely to know of existing incidents that have come to the attention of authorities, but less likely to know the students involved on a personal basis than are students under other systems. In effect, students' knowledge and perceptions seem to reflect a sense of more effective control under the honor system.

8. Ideally we would have wanted high school attitudes measured *prior* to college. We know, however, that there is a relatively close association between behavior and attitudes in these areas. (There is a strong negative relationship between attitudes and behavior in college and between high school behavior and college attitudes.) Therefore this recall information on high school behavior should serve as a rough index of predisposition in these areas.

9. Had we found a relationship between sanctioning policy and high school behavior, it would not have been possible to determine whether (or to what degree) selective recruitment as against selective attrition was at work without information on dropouts. Since the two variables are unrelated, however, the data in Table 7 discount both processes.

10. This reaction may also occur when severe formal sanctions are imposed selectively in an effort to control the behavior of some subgroup in the population or when they are used to curb some other associated form of behavior.

11. If severity of sanctions imposed were largely a response to variations in the rate of misconduct, there would actually be a *positive* association between these two variables. The fact that we find no relationship suggests the possibility of two countervailing effects: a deterrent effect of formal sanctions on misconduct; and a crackdown effect in which variations in misconduct produce corresponding variations in formal sanctions. In effect, the two could be linked in a negative feedback circuit which is in turn influenced by the normative climate of the college or the expectations of institutional authorities. (For a model of this kind of functional process, see Stinchcombe, 1968: 87 ff., esp. Figure 3.7.)

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